

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

**Victor Bres**  
Debtor(s)

Bankruptcy Case No.: 18-20329-TPA  
Per November 8, 2018 proceeding  
Chapter: 13  
Docket No.: 38 – 13, 32  
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED  
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

**(1.) PLAN CONFIRMATION:**

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated February 23, 2018 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☒ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$1885.00 as of November 2018. Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on at , in .*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☒ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: PNC (Claim No. 9, 11 and 13) Allegheny County (Claim No. 6) Oakdale (Claim No. 5) .
- ☒ H. Additional Terms: Jordan Tax Service is not to be paid, on basis that they are understood to be duplicate of Allegheny County (Claim No. 6) which governs.

The estimated pool of funds available to be paid to general unsecured creditors and estimated percentage dividend are revised to \$19051.98 (100%)

**(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:**

**A. Objections to the Plan.** Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

**B. Applications to retain brokers, sales agents, or other professionals.** If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

**C. Review of Claims Docket and Objections to Claims.** Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

**D. Motions or Complaints Pursuant to §§506, 507 or 522.** All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

**E. Filing Amended Plans.** Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

**A.** After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

**B.** Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

**C.** Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

**D.** Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

**E.** The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

**F.** In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.



Thomas P. Agresti, Judge  
United States Bankruptcy Court

Dated: November 14, 2018

cc: All Parties in Interest to be served by Clerk in seven (7) days

**Certificate of Notice Page 4 of 5**  
 United States Bankruptcy Court  
 Western District of Pennsylvania

In re:  
 Victor Bres  
 Debtor

Case No. 18-20329-TPA  
 Chapter 13

**CERTIFICATE OF NOTICE**

District/off: 0315-2

User: lmar  
 Form ID: 149

Page 1 of 2  
 Total Noticed: 30

Date Rcvd: Nov 14, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Nov 16, 2018.

db +Victor Bres, 100 South Avenue, Oakdale, PA 15071-1338  
 cr +Borough of Oakdale, Goehring, Rutter & Boehm, 437 Grant Street, Frick Building,  
 Pittsburgh, PA 15219, UNITED STATES 15219-6002  
 cr +County of Allegheny, Goehring, Rutter, and Boehm, 437 Grant Street, 14th Floor,  
 Frick Building, Pittsburgh, PA 15219, UNITED STATES 15219-6101  
 14766567 +Allegheny Tax Claim Bureau, 436 Grant Street, Pittsburgh, PA 15219-2400  
 14766568 +Andrews & Price LLC, 1500 Ardmore Boulevard, Suite 506, Pittsburgh, PA 15221-4468  
 14795531 +Borough of Oakdale, Goehring, Rutter & Boehm, c/o Jeffrey R. Hunt, Esquire,  
 437 Grant Street, 14th Floor, Frick Building, Pittsburgh, PA 15219-6101  
 14766569 +Borough of Oakdale, 6115 Noblestown Road, Oakdale, PA 15071-1347  
 14766571 +Chase Card Services, Attn: Correspondence Dept, Po Box 15298, Wilmington, DE 19850-5298  
 14766572 +Comenity Bank / Dental First Financial, PO Box 182125, Columbus, OH 43218-2125  
 14766573 +Conserve, 200 CrossKeys Office Park, Fairport, NY 14450-3510  
 14795534 +County of Allegheny, Goehring, Rutter & Boehm, c/o Jeffrey R. Hunt, Esquire,  
 437 Grant Street, 14th Floor, Frick Building, Pittsburgh, PA 15219-6101  
 14766576 +Goehring, Rutter and Boehm, 437 Grant Street, 14th Floor, Pittsburgh, PA 15219-6107  
 14774093 +Jordan Tax Service Inc, 102 Rahway Road, Canonsburg, PA 15317-3349  
 14766580 +Jordan Tax Service Inc, 102 Rahway Road, McMurray, PA 15317-3349  
 14780349 +Oakdale Borough, c/o Michele McPeak Cromer, Esquire, 519 Court Place,  
 Pittsburgh, PA 15219-2002  
 14862645 +PNC Bank, N.A., P.O. Box 94982, Cleveland, OH 44101-4982  
 14924621 +PNC Bank, N.A., P.O. Box 94982, Cleveland, OH 44101, 8 44101-4982  
 14766583 +PNC Mortgage, Attn: Bankruptcy Dept., 3232 Newmark Drive, Miamisburg, OH 45342-5433  
 14766582 +PNC Mortgage, Po Box 8703, Dayton, OH 45401-8703  
 14775801 +St. Clair Orthopedic Associates, 1121 Situs Court, Suite 350, Raleigh, NC 27606-4275  
 14766584 +Tri-State Surgery Center, 80 Landings Drive, Suite 101, Washington, PA 15301-9408

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

14766570 +E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Nov 15 2018 04:00:22 Capital One,  
 Attn: Bankruptcy, Po Box 30285, Salt Lake City, UT 84130-0285  
 14797120 E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Nov 15 2018 03:59:48  
 Capital One Bank (USA), N.A., PO Box 71083, Charlotte, NC 28272-1083  
 14766574 +E-mail/Text: abovay@creditmanagementcompany.com Nov 15 2018 03:58:12  
 Credit Management Company, Attn: Bankruptcy, 2121 Noblestown Road,  
 Pittsburgh, PA 15205-3956  
 14766575 +E-mail/PDF: creditonebknotifications@resurgent.com Nov 15 2018 03:59:23 Credit One Bank Na,  
 Po Box 98873, Las Vegas, NV 89193-8873  
 14766578 +E-mail/Text: cio.bncmail@irs.gov Nov 15 2018 03:56:47 Internal Revenue Service,  
 Centralized Insolvency Operations, PO Box 7346, Philadelphia, PA 19101-7346  
 14807730 E-mail/PDF: resurgentbknotifications@resurgent.com Nov 15 2018 03:59:24  
 LVNV Funding, LLC its successors and assigns as, assignee of MHC Receivables, LLC and,  
 FNBM, LLC, Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587  
 14766581 +E-mail/Text: RVSVCBICNOTICE1@state.pa.us Nov 15 2018 03:57:13 PA Department of Revenue,  
 Bankruptcy Division, PO Box 280946, Harrisburg, PA 17128-0946  
 14770036 E-mail/Text: RVSVCBICNOTICE1@state.pa.us Nov 15 2018 03:57:13  
 Pennsylvania Department of Revenue, Bankruptcy Division P O Box 280946,  
 Harrisburg PA 17128-0946  
 14803922 E-mail/Text: bnc-quantum@quantum3group.com Nov 15 2018 03:57:02  
 Quantum3 Group LLC as agent for, Comenity Capital Bank, PO Box 788,  
 Kirkland, WA 98083-0788

TOTAL: 9

\*\*\*\*\* BYPASSED RECIPIENTS (undeliverable, \* duplicate) \*\*\*\*\*

cr PNC BANK, NATIONAL ASSOCIATION  
 cr PNC Bank, National Association  
 14774091\* +Allegheny Tax Claim Bureau, 436 Grant Street, Pittsburgh, PA 15219-2400  
 14774092\* +Andrews & Price LLC, 1500 Ardmore Boulevard, Suite 506, Pittsburgh, PA 15221-4468  
 14766579\* +Internal Revenue Service, William Moor-Head Building, 1000 Liberty Avenue, Room 806,  
 Pittsburgh, PA 15222-4027  
 14766577\* Internal Revenue Service, Insolvency Unit, PO Box 628, Pittsburgh, PA 15230  
 TOTALS: 2, \* 4, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

District/off: 0315-2

User: lmar  
Form ID: 149

Page 2 of 2  
Total Noticed: 30

Date Rcvd: Nov 14, 2018

\*\*\*\*\* BYPASSED RECIPIENTS (continued) \*\*\*\*\*

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Nov 16, 2018

Signature: /s/Joseph Speetjens

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## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on November 14, 2018 at the address(es) listed below:

Daniel P. Foster on behalf of Debtor Victor Bres dan@mrdebtbuster.com,  
clarissa@mrdebtbuster.com; fosterlaw@ecf.inforuptcy.com; anne@ecf.inforuptcy.com  
James Warmbrodt on behalf of Creditor PNC Bank, National Association bkgroup@kmlawgroup.com  
James Warmbrodt on behalf of Creditor PNC BANK, NATIONAL ASSOCIATION bkgroup@kmlawgroup.com  
James A. Prostko on behalf of Creditor PNC Bank, National Association pawb@fedphe.com,  
james.prostko@phelanhallinan.com  
Jeffrey R. Hunt on behalf of Creditor Borough of Oakdale jhunt@grblaw.com,  
cnoroski@grblaw.com  
Jeffrey R. Hunt on behalf of Creditor County of Allegheny jhunt@grblaw.com,  
cnoroski@grblaw.com  
Jodi L. Hause on behalf of Creditor PNC BANK, NATIONAL ASSOCIATION  
jodi.hause@phelanhallinan.com, pawb@fedphe.com  
Office of the United States Trustee ustregion03.pi.ecf@usdoj.gov  
Ronda J. Winnecour cmecf@chapter13trusteedpa.com

TOTAL: 9